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**Hodgson Russ**  
ATTORNEYS

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**Today's Date:** Wednesday, March 04, 2009 2:21:00 PM

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MAR 04 2009

Attorney Docket No. : 013183.00037

## FACSIMILE TRANSMISSION CERTIFICATE

I hereby certify that this paper is being transmitted to the U.S. Patent and Trademark Office to (571) 273-8300 on the date shown below.

Michelle M. Scordato

Name of person signing the certification

Michelle M. Scordato March 4, 2009

Signature

Date

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of	:	Rohnert, et al.
Application No.	:	10/764,676
Filing Date	:	January 26, 2004
Title	:	Drug Preparation Comprising Alpha-Lipoic Acid, Ambroxol And/Or Inhibitors Of The Angiotensin-Converting Enzyme (ACE) And Its Use For the Treatment Of Neurodegenerative Diseases

PETITION TO THE COMMISSIONER UNDER 37 C.F.R. §1.181(A)  
TO WITHDRAW HOLDING OF ABANDONMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a Petition to Withdraw the Holding of Abandonment of the above-identified patent application. The facts of such abandonment are as follows. A Notice of Abandonment mailed on February 23, 2009, and received by this office, indicates that the above-identified patent application went abandoned for "failure to timely pay the required issue fee and publication fee." However, Applicant did submit payment of the issue fee and publication fee in the amount of \$1,810.00 on January 21, 2009. Enclosed please find the following showing submission of the payment:

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MAR 04 2009

Serial No.: 10/764,676

Attorney Docket No.: 013183.00037

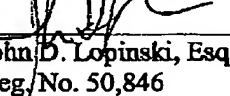
- 1) A copy of the Issue Fee Transmittal with certificate of first class mailing dated January 21, 2009; and
- 2) A copy of our check (No. 492878) in the amount of \$1,810.00.

Accordingly, it is respectfully requested that the holding of abandonment of the above-identified patent application be withdrawn. Acknowledgement of the active status of this application is respectfully requested.

Because it appears that the USPTO has not received the required issue fee and publication fee, the Commissioner is hereby authorized to charge our Deposit Account, No. 08-2442, for these fees. It is believed no fee is due for this Petition. If, however, a fee is due, the Commissioner is hereby authorized to deduct this fee also from the same Deposit Account.

If there are any difficulties with this Petition, it is requested that the undersigned by contacted at the telephone number indicated below.

Respectfully submitted,

HODGSON RUSS LLP  
Attorneys for ApplicantsBy:   
John D. Lopinski, Esq.  
Reg. No. 50,846

Date: March 4, 2009

Hodgson Russ LLP  
The Guaranty Building  
140 Pearl Street, Suite 100  
Buffalo, New York 14202-4040  
(716) 856-4000

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## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
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or **Fax** (571)-273-2885



INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

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Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

Kathy Ashton	(Depositor's name)
<i>Kathy Ashton</i>	(Signature)
January 21, 2009	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,676	01/26/2004	Peter Rohmert	13183.0037	9441

TITLE OF INVENTION: DRUG PREPARATION COMPRISING ALPHA-LIPOIC ACID, AMBROXOL AND/OR INHIBITORS OF THE ANGIOTENSIN-CONVERTING ENZYME (ACE) AND ITS USE FOR THE TREATMENT OF NEURODEGENERATIVE DISEASES

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	01/29/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
SOLOLA, TAOFIQ A	1625	514-440000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 Hodgson Russ LLP

2

3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

Keyneurotek Pharmaceuticals AG

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Magdeburg, Germany

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

☒ Issue Fee

☒ Publication Fee (No small entity discount permitted)

☐ Advance Order - # of Copies

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

☒ A check is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number 08-2442 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(a)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Date January 21, 2009

Typed or printed name John D. Lopinski

Registration No. 50,846

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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HODGSON RUSS LLP  
ATTORNEYS AT LAW  
BUFFALO, NY 14202-4040

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ONE THOUSAND EIGHT HUNDRED TEN AND 00/100\*\*DOLLARS\*\*

PAY TO THE ORDER OF  
DIRECTOR OF U S PATENT AND TRADEMARK OFFICE

BY *[Signature]*  
HODGSON RUSS LLP  
OPERATING ACCOUNT

HODGSON RUSS LLP/ATTORNEYS AT LAW

CHECK DATE: 01-21-09 492878

INV. DATE	INV. #	VOUCHER #	INVOICE DESCRIPTION	AMOUNT PAID
01-21-09	013183.00037	690895	PTO filing fee - issue fee	1,810.00
PAVED.	101465			